

REMARKS

This Response is filed in response to the Office Action dated August 15, 2003 in which the Examiner rejected claims 31-42 under 35 U.S.C. § 103 and stated that claims 19-26 are allowed.

Claims 31, 35, 39 and 41 claim a photographic apparatus having (a) recording section(s) and a controller. The recording section is capable of recording moving pictures and also pictures to be reproduced as still pictures on a recording medium. The controller controls the photographic apparatus, which is operated by a voluntary operation of an operator, to selectively carry out a plurality of shooting and reproducing modes. The shooting mode includes a mode in which the moving picture is recording on the recording medium and a mode in which the picture to be reproduced as the still picture is recorded on the recording medium. The reproducing modes include a mode in which the moving picture recorded on the recording medium is produced, a mode in which the picture recorded on the recording medium so as to be reproduced as a still picture is reproduce and a mode in which the still picture is reproduced out of the moving picture which is recorded on the recording medium to be reproduced as the moving picture.

Through the structure on the claimed invention having a controller which controls the photographic apparatus to selectively carry out the plurality of shooting and reproducing modes including at least a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording medium to be reproduced as the moving picture, as claimed in claims 31, 35, 39 and 41, the claimed invention provides a photographing apparatus functioning both as a still camera and a video camera in which entries to a database can be easily retrieved.

The prior art does not show, teach or suggest the invention as claimed in claims 31, 35, 39 and 41.

Claims 31-42 were rejected under 35 U.S.C. § 103 as being unpatentable over *Ootsuka* (U.S. Patent No. 5,774,754) in view of *Yoshimura et al.* (U.S. Patent No. 5,761,369).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Ootsuka appears to disclose an electronic information recorder 50 disposed in such a position in the lower part of the camera main body 20 as not to hinder a camera operation. The recorder 50 is formed with a mounting portion 50a in which an IC card 51 as an electric memory for electrically recording the still pictures stored in the frame memory of the camera main body 20 is mountable and an unillustrated mounting portion in which a magnetic recording medium 52 such as a magnetic tape or magnetic optical disk which enables the recording of motion images is mountable, and is provided internally with a tape feeding mechanism. (Col. 5, lines 57-67)

Indicated at 39 is a recording start switch which is operated when the motion images are recorded. Indicated at 40 is a photographing mode changeover switch which is operated to change a combination of three photographing modes: a film image photographing mode in which still images are recorded on a photosensitive film, an electronic still image photographing mode in which still images are recorded on the IC card 51 and a motion image photographing mode for recording motion images on the magnetic recording medium 52. (Col. 6, lines 27-36) In Fig. 38, a subroutine

"Reproduction" is discussed. It is first discriminated whether either the silver halide still image photographing mode or the electronic still image photographing mode is set (Steps #430 and #432). If neither of them is set (NO in Steps #430 and #432), this subroutine returns after prohibiting a control for the preview (pre operation) and post operation confirmation. If either of the above two modes is set, this subroutine proceeds to Step #434 to execute a control for the preview and the post operation. In Step #434, it is discriminated whether a flag RECF is set. If this flag is set, i.e., the images are being recorded, this subroutine returns to prohibit the display of the preview images and confirmation images on the monitor 47. If the images are not being recorded, it is discriminated whether the switch Spv has been switched to ON (Step #436). If the discrimination result in Step #436 is in the affirmative, this subroutine returns after a subroutine "Preview" is carried out (Step #442). If the discrimination result in Step #436 is in the negative, it is discriminated whether the switch Sdpi has been switched ON to display the image stored in the internal memory 129 or the frame memory (Step #438). If the switch Sdpi has been switched ON, the flag DPIF is set (Step #440); the subroutine "Preview" is carried out (Step #442); and this subroutine returns. Unless the switch Sdpi has been switched ON, this subroutine directly returns. (Col. 27, lines 23-49)

Thus, *Ootsuka* merely discloses that if neither the silver-halide still image photographing mode or electronic still image photographing mode is set, preview operation is prohibited. Therefore, nothing in *Ootsuka* shows, teaches or suggests a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Rather, *Ootsuka* merely discloses that the only

way preview is not prohibited is if the silver-halide still mode or electronic still image mode is set. (See column 27, lines 25-30).

Additionally, *Ootsuka* merely discloses that if a still image mode (either silver-halide or electronic) is set, the displayed image is from the internal memory 129 or frame memory (column 27, lines 40-44). Thus, nothing in *Ootsuka* shows, teaches or suggests a mode in which a still image is reproduced out of a moving picture which is recorded on a recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Rather, the previewed image in *Ootsuka* is from an internal memory or frame memory.

Furthermore, *Ootsuka* merely discloses three photographing modes including recording a still image on a photosensitive film, recording a still image on a IC card 51 and recording motion images on a magnetic recording medium 52. (Col. 6, lines 27-36) Nothing in *Ootsuka* shows, teaches or suggests a shooting mode in which both the moving picture and the still picture are recorded on the same recording medium as claimed in claims 31, 35, 39 and 41. Rather, *Ootsuka* merely discloses recording motion images on a magnetic recording medium 52 while recording still images on either a photosensitive film or an IC card 51. In other words, *Ootsuka* discloses three recording mediums as opposed to the claimed invention which claims first and second recording mediums.

Additionally, since *Ootsuka* discloses three recording mediums including a separate one for recording the motion images, nothing in *Ootsuka* shows, teaches or suggests a reproducing mode in which both a moving picture and a still picture are reproduced from the same (i.e. second) recording medium as claimed in claims 31, 35, 39 and 41. Rather, *Ootsuka* teaches away from the claimed invention since the

recorded motion images can only be reproduced from the magnetic recording medium 52 and not from the IC card 51.

Finally, nothing in *Ootsuka* shows, teaches or suggests a reproduction mode in which a still image is reproduced out of a moving picture (which is recorded on a second recording medium) to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. As discussed above, *Ootsuka* merely records the motion image on a recording medium separate from the two recording mediums for the still images.

Yoshimura et al. appears to disclose a video system which is capable of looking up at a high speed a video signal recorded on a recording medium having a large capacity. (Col. 1, lines 15-17) The records on the magnetic tape are reproduced at a high speed. One field video signal portion of a representative image plane representing each image program recorded on the magnetic tape and an index signal, a time code, etc. corresponding to the representative image plane are then recorded on a still video disc. In confirming a part of the video tape in which a desired image is recorded, either the record contents of the still video disc are serially displayed on the display device 16 or data for a plurality of programs is displayed on the display device 16 all in one image plane. The embodiment thus permits confirmation of the outline of the contents of a plurality of programs recorded on the video tape. (Col. 4, lines 2-14) With the look-up information in a state of having been recorded on a still video disc by the still video recording and reproducing device 12, images recorded on a video tape can be looked up in the following manner: First, a record on the still video disc is reproduced by the still video recording and reproducing device 12 to have the look-up information displayed

by the display device 16. Then, a desired cut (image plane) is selected. An instruction for this selection is given by means of an input device such as a keyboard which is not shown. In response to this instruction, the still video recording and reproducing device 12 transmits applicable look-up information to the VTR 10. The VTR 10 feeds the video tape at a high speed to an applicable part thereof in accordance with the look-up information. The VTR 10 then reproduces a desired image in a normal manner and applies the reproduced image to the display device 16. As a result, the display state of the display device 16 changes from a still image display for look-up designation over to a motion image display of the desired image. (Col. 6, lines 10-28) FIG. 7 is a block diagram showing the arrangement of a still video recording and reproducing device for storing, on a still video disc, information required for control over the reproducing operation of a VTR. Referring to FIG. 7, a VTR 110 is arranged to reproduce motion image (and sounds) information from a magnetic tape 112. A still video recording and reproducing device 114 which is arranged to record on a still video disc 116 a still image and ID information thereon and to reproduce the record from the disc 116. A reference numeral 118 denotes a monitor. The VTR 110 transfers to the still video recording and reproducing device 114 the motion image information (with sound information) and time information corresponding to the motion image information (such as a timing code indicating a record position, a recording length of time, etc.). Conversely, the still video recording and reproducing device 114 transfers to the VTR 110 a control signal for controlling the operation of the latter. A video signal which is reproduced (with an audio signal) from the video tape 112 is applied as desired to the monitor 118. (Col. 7, lines 38-58) FIG. 8 shows further details of the arrangement of FIG. 7. (Col. 7, lines 66-67)

In the still video recording and reproducing device 114, a system controller 132 is arranged to perform overall control over each part and to exchange signals between the system controller 126 of the VTR 110. (Col. 8, lines 15-18) In the normal reproduction mode of the VTR 110, the output of the video signal processing circuit 128 of the VTR is applied via the switch 152 and the signal processing circuit 154 to the monitor 118. Then, among images, etc. confirmed by means of the monitor 118, one series of information parts considered necessary are handled as one program. The program thus obtained is recorded on the disc 116 after it is processed into information required for reproduction control. This reproduction control information includes time information on the starting and ending points of one program and some representative image plane that clearly indicates the contents of the program, such as the image plane of the first field. (Col. 8, lines 42-54)

Thus, *Yoshimura et al.* merely discloses a still video disk which stores information required for controlling a reproducing operation of a VTR including control information such as time information on the starting and ending points of one program and some representative image plane that indicates the contents of the program (column 7, lines 38-42, column 8, lines 48-54). Thus, the video disk merely stores an image plane indicating the contents of a program. Nothing in *Yoshimura et al.* shows, teaches or suggests that the image plane is a moving picture to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Rather, the image plane of *Yoshimura et al.* merely represents, at best an image extracted from the tape 112. At the time that the image is reproduced from the still video disk, it is not reproduced out of a moving picture to be reproduced as the moving picture. In other words, at the time of reproduction of the image plane from the still video disk, it

is reproduced from the image recorded as a still picture on the video disk 116. Thus it is not reproduced as a still picture from the moving picture on the tape 112.

Nothing in *Yoshimura et al.* shows, teaches or suggests a reproducing mode in which a still picture is reproduced out of the moving picture which is recorded on the second recording medium to be reproduced as the moving picture as claimed in claims 31, 35, 39 and 41.

Additionally, *Yoshimura et al.* merely discloses storing a program on a video disk 116 including some representative image plane that indicates the contents of a program. Even assuming *arguendo* that the image plane is in fact an image, the video disk 116 does not store both a moving picture to be reproduced as a moving picture and a still picture to be reproduced therefrom as claimed in claims 31, 35, 39 and 41. Rather, *Yoshimura et al.* only discloses storing a representative image plane.

Finally, *Yoshimura et al.* merely discloses storing control information on the video disk 116 which includes time information and an image plane which represents the contents of a program. Thus, an image produced on the monitor of *Yoshimura et al.* contains information recorded as a still image on the disk and thus is not an image recorded as a moving picture on the magnetic tape 116.

The combination of *Ootsuka* and *Yoshimura et al.* would merely suggest that in order to reproduce information from the magnetic recording medium 52 of *Ootsuka* to use the method and apparatus of *Yoshimura et al.* including the video disk 116. Thus, nothing in the combination of *Ootsuka* and *Yoshimura et al.* show, teach or suggest a) recording both a moving picture and a still picture on the same recording medium, or b) recording a moving picture to be reproduced as the moving picture on

the same (i.e. second) recording medium as the still picture or c) a reproducing mode in which a still picture is reproduced out of a moving picture which is recorded on a second recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 31, 35, 39 and 41 under 35 U.S.C. § 103.

Claims 32-34, 36-38, 40 and 42 depend from claims 31, 35, 39 and 41 and recite additional features. Applicants respectfully submit that claims 32-34, 36-38, 40 and 42 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Ootsuka* and *Yoshimura et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 32-34, 36-38, 40 and 42 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason Examiner feels that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge
our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 12, 2004

By:

A handwritten signature in black ink, appearing to read 'EMAS', written over a horizontal line.

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